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REMARKS

Claims 1-17 are pending, with claims 1 and 17 being independent. Applicant thanks the Examiner for indicating that claim 12 contains allowable subject matter.

Drawing Objections

The drawings stand objected to under 37 C.F.R. 1.84(p)(5) because reference character "52" has been used to designate both expulsion aperture and internal wall. Applicant has amended page 5, paragraph [0014], to correct a typographical error to reflect that internal wall is referenced by character "54" and not "52". Applicant also has corrected a typographical error on pages 4 and 5, paragraph [0011], to reflect that the recess is referenced by character "50" and not "52".

The drawings stand objected to under 37 C.F.R. 1.84(p)(5) because they include a reference character, 80, not mentioned in the description. Applicant respectfully traverses this objection. Reference character 80 is mentioned in the description on at least, for example, page 7, paragraph [0018].

The drawings stand objected to under 37 C.F.R. 1.83(a) for not showing every feature specified in the claims 3, 12, and 14. Applicant respectfully traverses this objection.

Claim 3 has been amended to correct a typographical error that the first section includes a "loop" instead of a "hoop." The recited loop and catch feature are illustrated and describe at least, for example, in Figures 6 and 8 and the corresponding text, for example, on page 7, paragraph [0020].

Claim 12 recites that the connection means includes a first part including two pegs. At least, for example, in Figures 6-8 and the corresponding text, this feature is illustrated and described. For example, on page 7, paragraph [0018], the specification states:

"Two pins 80 project radially outwardly from the surface of the front half. The pins are used as part of a bayonet connection to connect the end cap section to the receptacle by sliding into the L-shaped slot 68 formed in the rim 66 of the end cap section in connecting [the] receptacle to the end cap section 60"

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Claim 14 recites a transparent window located in one of the connector and the receptacle. At least, for example, in Figures 6-8 and the corresponding text, this feature is illustrated and described. For example, on page 6, paragraph [0017], the end cap section 60 may be manufactured of transparent plastic. Furthermore, for example, in the same paragraph it states: "By constructing the dome shape section 64 in transparent plastic, the operator of the planer can look into the debris collection container to determine how full [the] container is." Also, for example, on page 7, paragraph [0019], it describes that the circular end piece 82 (shown, for example, in Figures 6 and 8) on the receptacle can be manufactured of transparent plastic material to enable an operator to view inside the receptacle from the base.

For the reasons discussed above, Applicant respectfully requests reconsideration and withdrawal of all objections to the drawings.

Provisional Double Patenting Rejection

Claims 1-17 stand provisionally rejected for obviousness-type double patenting as being unpatentable over claims 1-18 of copending Application No. 10/729,204. Upon the claims otherwise being allowable, Applicant will file a terminal disclaimer to remove this rejection.

Specification

The specification has been amended to address the informalities raised by the examiner. Applicant respectfully requests reconsideration and withdrawal of the objections to the specification.

35 U.S.C. § 112, First Paragraph Rejection

Claims 1-17 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. Specifically, the Office Action states that, with respect to claims 1 and 17, neither the specification nor the drawings provide support for first and second rigid sections and a deformable section manipulatable between a compressed condition and an expanded condition. Applicant respectfully traverses this rejection.

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The Office Action misstates the test for the enablement requirement when the Office Action states that the terms used in the claims do not have sufficient antecedent basis in the specification and the drawings. The proper test for the enablement requirement is whether the disclosure, when filed, "contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent arts to make and use the claimed invention." See MPEP § 2164.01. In applying this standard to the rejected claims, the disclosure in this application provides sufficient information to enable one skilled in the art to make and use the claimed debris collection container.

First, at least for example, on page 2, paragraph [0005], the specification provides explicit support for a receptacle that includes first and second rigid sections and a deformable section that can be compressed and expanded.

Second, it is clear, at least for example, from Figures 6-8 and the corresponding text from page 7, paragraph [0018] to page 8, paragraph [0021] that the exemplary implementation of receptacle 70 may include an annular plastic ring 72 at one end, a circular end piece 82 formed from plastic at the other end, and a tubular shaped cloth bag 86 that connects between the plastic annular ring 72 and the circular end piece 82 and surrounds a helical spring. Thus, at least this one exemplary implementation in the specification and the drawings, provide clear support for reciting a receptacle that includes a first rigid section, a second rigid section and a deformable section. Furthermore, at least for example on page 7, paragraph [0020], at least this exemplary implementation describes a catch 88 and a loop 90 on the respective end pieces 72 and 82, that provides clear support for the two plastic sections to be attached in a compressed condition.

With respect to claim 12, the Office Action alleges that "connection means" has not been adequately defined with the specification or the drawings to provide sufficient antecedent basis. Again, the Office Action misapplies the standard for enablement. At least, for example, on pages 7 and 8, paragraph [0020] and in corresponding Figures 6 and 8, a connection means as recited in claim 12 is illustrated and described with sufficient information to enable one skilled in the art to make and use the claimed debris collection container.

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Claim 14 recites a transparent window located in one of the connector and the receptacle. At least, for example, in Figures 6-8 and the corresponding text, this feature is illustrated and described. For example, on page 6, paragraph [0017], the end cap section 60 may be manufactured of transparent plastic. Furthermore, for example, in the same paragraph it states: "By constructing the dome shape section 64 in transparent plastic, the operator of the planer can look into the debris collection container to determine how full [the] container is." Also, for example, on page 7, paragraph [0019], it describes that the circular end piece 82 (shown, for example, in Figures 6 and 8) on the receptacle can be manufactured of transparent plastic material to enable an operator to view inside the receptacle from the base. Thus, the transparent window recited in claim 14 is illustrated and described with sufficient information to enable one skilled in the art to make and use the claimed debris collection container.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the § 112, first paragraph rejection of claims 1-17.

35 U.S.C. § 112, Second Paragraph Rejection

Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. More specifically, the Office Action states: "Due to the failure of the specification to adequately provide sufficient antecedent basis for the terms, first and second rigid sections and deformable section, the claims are particularly confusing." Applicant respectfully traverses this rejection.

The discussion above points out that the drawings and the specification enable the recited claims and Applicant submits that the claims are definite and are not confusing. Even though Applicant submits that the claims are not indefinite, Applicant has amended claim 3 to correct a typographical error, and amended claims 9, 11, and 12 to provide additional clarification.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the § 112, second paragraph rejection of claims 1-16.

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35 U.S.C. § 103(a) Rejections

Claim 1-11 and 13-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang (6,712,106) in view of Schneider (6,520,365). Applicant respectfully traverses this rejection.

Claim 1 recites a debris collection container for a planer that includes, among other features, a receptacle for storage of debris generated by the planer, where the receptacle includes a first rigid section, a second rigid section and a deformable section located between and connecting the first rigid section and the second rigid section. The container includes a connector connectable between the planer and the receptacle. The first rigid section can be releasably attached to the second rigid section when the deformable section is in a compressed condition. Applicant respectfully requests reconsideration and withdrawal of this rejection because the Office Action fails to establish a prima facie case of obviousness. First, the Office Action is attempting to combine non-analogous art references and second, there is no suggestion or motivation to modify the invention of Wang with the container of Schneider.

First, the Office Action is attempting to combine non-analogous art references. Wang and Schneider are in different fields of endeavor and are solving different types of problems. Wang is related to a dust bag 1 and bucket 5 that are to be attached to a wood working machine and used to collect dust and wood shreds from the wood working machine to solve the problem of collecting harmful wood dust and keeping a worksite clean. See Wang, col. 1, lines 5-43. On the other hand, the container described in Schneider is not designed to be connected to any device and is not designed to collect any items output from any type of device. Instead, the container in Schneider is open at the top end for a person to put items into the container, such as grass clippings, weeds, leaves, cut branches, kegs, laundry, and the like and uses a durable bottom layer to prevent premature wear of containers with fabric bottoms. See Schneider, col. 1, lines 5-61. The dust bag and bucket in Wang is in the field of being attached to a machine to collect items output by the machine and the container in Schneider is in an altogether different field of storing items put into the container by a person. Thus, it is not proper to combine Wang

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and Schneider because they are in different fields of endeavor and the problems being solved by each reference are not relevant to each other.

Second, a person skilled in the art would not be motivated to modify the invention of Wang with the container of Schneider. As discussed above, the dust bag and bucket in Wang is meant to be attached to a machine to collect the debris from the machine. On the other hand, the container in Schneider is not meant to be attached to any device or machine, but is simply meant as a storage container for people to store items. One skilled in the art would not be motivated to replace a bucket which is meant to be connected to a machine with a container where there is no suggestion that it can be connected to any type of machine.

For at least these reasons, the Office Action has failed to establish a prima facie case of obviousness and Applicant respectfully request reconsideration and withdrawal of the section 103 rejection of independent claim 1 and its dependent claims 2-11 and 13-16.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Liao et al. (6,481,475) and Schneider (6,520,365). Applicant requests reconsideration and withdrawal of this rejection because Liao does not remedy the failure of Wang and Schneider to establish a prima facie case of obviousness, as discussed above with respect to claim 1.

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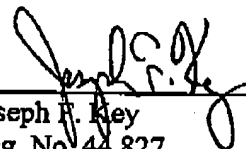
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Applicant submits that all claims are in condition for allowance.

Enclosed is an authorization to charge deposit account 02-2548 for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 02-2548.

Respectfully submitted,

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Joseph R. Key
Reg. No. 44,827

Customer Number: 28268
Telephone: (410) 716-2830
Facsimile: (410) 716-2610